

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

WONELL RINGGOLD	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 06-368-SLR
	)	
CORRECTIONS OFFICER LAMBEY <sup>1</sup>	)	JURY TRIAL DEMANDED
	)	
Defendant.	)	

**DEFENDANTS' ANSWER TO THE COMPLAINT**

COMES NOW, defendant Kelly Lambey (“Answering Defendant”) by and through her undersigned counsel, and hereby answers the Complaint (D.I. 2) of the plaintiff, Wonell Ringgold (“Plaintiff”) as follows:

**STATEMENT OF CLAIM**

**Paragraph No. 1**

Sentence No.1 – It is admitted that Plaintiff was incarcerated at HRYCI on April 12, 2006. It is denied that Answering Defendant encountered Plaintiff about a “problem dealing with his hygiene.” Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegation.

*Footnote No. 1* – States a legal argument/conclusion to which no response is required. To the extent that an answer is required, the allegations are denied.

Sentence No. 2 – Denied.

*Footnote No. 2* – This statement is not drafted in the form of an allegation that Answering Defendant can admit or deny and thus no response is required. To the extent that a response is required, the allegation is denied.

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<sup>1</sup> Improperly named as Lamby in the Complaint.

Sentence No. 3 – Denied.

Sentence No. 4 – Denied.

Sentence No. 5 – Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of this allegation.

Sentence No. 6 – Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of this allegation.

**Paragraph No. 2**

Sentence No. 1 – Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of this allegation.

Sentence No. 2 – Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of this allegation.

*Footnote No. 3* – This statement is not drafted in the form on allegation that Answering Defendant can admit or deny and thus no response is required. To the extent that a response is required, the allegation is denied.

Sentence No. 3 – Denied.

Sentence No. 4 – Denied.

Sentence No. 5 – Denied.

Sentence No. 6 – It is denied that Answering Defendant was aware of or disclosed Plaintiff's medical condition to anyone. Answering Defendant is without knowledge or information sufficient to form a belief as to whether any other persons were aware of Plaintiff's medical conditions.

**Paragraph No. 3**

Sentence No. 1 – It is admitted that Answering Defendant worked the 12 a.m. to 8 a.m. shift and that her Lieutenant was Lt. Kinney. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegation.

Sentence No. 2 – Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of this allegation.

Sentence No. 3 – Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of this allegation.

Sentence No. 4 – Denied.

**Paragraph No. 4**

Sentence No. 1 – Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of this allegation.

Sentence No. 2 – Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of this allegation.

Sentence No. 3 – Denied.

Sentence No. 4 – Denied.

Sentence No. 5 – Denied.

Sentence No. 6 – Denied.

**Paragraph No. 5**

Sentence No. 1 – Denied.

Sentence No. 2 – Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of this allegation.

Sentence No. 3 – Denied.

Sentence No. 4 – Denied.

Sentence No. 5 – It is admitted that all of the housing area doors are opened simultaneously for breakfast.

Sentence No. 6 – Denied as to the date. It is admitted that this occurred on April 19, 2006.

Sentence No. 7 – Denied.

Sentence No. 8 – Denied.

Sentence No. 9 – Denied.

Sentence No. 10 – Admitted.

Sentence No. 11 – Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of this allegation.

Sentence No. 12 – Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of this allegation.

Sentence No. 13 – This statement calls for a conclusion and is not drafted in the form of an allegation that Answering Defendant can admit or deny, thus, no response is required. To the extent that a response is required, the allegation is denied.

Sentence No. 14 – Denied.

Sentence No. 15 – Denied.

Sentence No. 16 – This statement calls for a conclusion and is not drafted in the form of an allegation that Answering Defendant can admit or deny, thus, no response is required. To the extent that a response is required, the allegation is denied.

**Paragraph No. 6**

The statements in Paragraph No. 6 do not appear to be directed at Answering Defendant, thus no response is required. To the extent that a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations.

**Paragraph No. 7**

Sentence No. 1 – Denied.

**Paragraph No. 8**

States a legal argument/conclusion to which no response is required. To the extent that an answer is required, the allegations are denied.

**RELIEF**

It is specifically denied that Plaintiff is entitled to any monetary damages, including punitive or compensatory. It is specifically denied that Plaintiff is entitled to injunctive or any other relief.

**DEFENSES AND AFFIRMATIVE DEFENSES**

1. Plaintiff has failed to state a claim upon which relief can be granted.
2. Plaintiff has failed to exhaust his administrative remedies.
3. Answering Defendant is immune from liability under the Eleventh Amendment.
4. Answering Defendant is entitled to qualified immunity.
5. As to any claims under state law, Answering Defendant is entitled to immunity under the State Tort Claims Act, 10 *Del. C.* § 4001 *et seq.*
6. As to any claims under state law, Answering Defendants is entitled to sovereign immunity in her official capacity.
7. Answering Defendant cannot be held liable in the absence of personal involvement for the alleged constitutional deprivations.

8. To the extent that Plaintiff seeks to hold Answering Defendant liable based on supervisory responsibilities, the doctrine of *respondeat superior* or vicarious liability is not a basis for liability in an action under 42 *U.S.C.* § 1983.

9. Answering Defendant, in her official capacity, is not liable for alleged violations of Plaintiff's constitutional rights as she is not a "person" within the meaning of 42 *U.S.C.* § 1983.

10. Lack of jurisdiction over the person and subject matter.

WHEREFORE, Answering Defendant respectfully requests that judgment be entered in her favor and against Plaintiff as to all claims and that attorney fees be awarded to Answering Defendant.

**DEPARTMENT OF JUSTICE  
STATE OF DELAWARE**

/s/ Stacey Xarhoulakos  
Stacey Xarhoulakos, # 4667  
Deputy Attorney General  
Department of Justice  
820 N. French Street, 6th Floor  
Wilmington, De 19801  
(302) 577-8400

Dated: August 10, 2007

*Attorney for State Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 10, 2007, I electronically filed *Defendant's Answer to the Complaint* with the Clerk of Court using CM/ECF. I hereby certify that on August 10, 2007, I have mailed by United States Postal Service, the document to the following non-registered participant:

Wonell Ringgold  
510 Buttonwood Street  
Wilmington, DE 19801

/s/ Stacey Xarhoulakos  
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